IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 27667 of 1997

Between:

1 Sathi Satyanarayana Reddy, S/o. Sundara Rama Reddy
R/o. Ananparthy, E.G.District.
2 Sathi Sattish Kumari W/o. Sathi Satyanarayana Reddy
R/o. Ananparthy, E.G.District.

..... PETITIONERS

AND

1 The Assistant Engineer, Roads & Buildings Department,
Biccavolu, E.G.District.
2 The Revenue Divisional Officer,
Rajahmundry, E.G.District.
3 The Mandal Revenue Officer,
Anaparthy, E.G.District. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue Writ, order or direction, more particularly one in Writ of Mandamus declaring the action of the respondents in taking steps to demolish the premises bearing Nos.5-268, 5-193 and 5-219A of Anaparthy Gram Panchayat, E.G.District of the petitioners as illegal, arbitrary and violative of Art.14 19(1)(g), 21 and 300-A of the Constitution of India and consequently direct the respondents not to meddle with or interfere with the said property of the petitioners.

Counsel for the Petitioners: Mr.T.V.S.PRABHAKARA RAO

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following:

ORDER:

Questioning the action of the respondents in taking steps to demolish the premises bearing Nos.5-268, 5-193 and 5-219A of Anaparthy Gram Panchayat, E.G.District of the petitioners, the present writ petition is filed seeking a direction to the respondents not to interfere with the said property of the petitioners.

While admitting the writ petition on 23.10.1997, this Court granted interim direction in W.P.M.P.No. 32213 of 1997 dated 23.10.1997 directing the respondents not to demolish the premises of the petitioner.

Heard the learned counsel for petitioners and the learned Government Pleader for respondents.

The learned counsel for petitioner submits that the subject matter of this writ petition is squarely covered by the Division Bench judgment of this Court in W.P.No. 212198 of 1997 and batch dated 3.2.1998, prescribing the following guidelines.

1. Whether a property is required for public purpose viz., widening of roads or for any other purpose, the authorities straightaway cannot take law into their hands and jump into the premises, dispossess or evict the occupants or demolish the property.

2. If the authorities concerned want to take action for eviction/dispossession of the occupants or demolition, they shall issue 60 days prior notice notifying as to the nature of the property to which it belongs and the proposed action calling for explanation/objections, if any from the occupants. On receipt of such objections, if there is any objection as to the ownership of the property, the authorities should determine the extent of encroachment or unauthorised occupation and also determine whether the property in question belongs to Government, any other local self Government or authority or the occupants and pass appropriate orders within three months from the date of receipt of the objections, after affording an opportunity of being heard to the occupants.

3. In case where demolition of private property has already been made, he authorities shall determine the damages on the basis of the assessment to be made by the Engineer of the Roads and Buildings Department and disburse the amount of damages quantified forthwith.

4. If the demolition is in respect of local bodies/Government property, the question of damages does notaries. In such an event, the occupant shall be entitled to remove the material

used for the construction.

5. In case of demolition of private property, the authorities concerned shall determine the loss caused to the occupants on the basis of the assessment to be made by the Engineer of R & B Department and on such assessment of damages, the concerned authorities shall take appropriate steps to disburse the amount quantified forthwith.

6. If there is any claim for grant/assessment of the property, the concerned authorities shall consider the same in accordance with law taking into consideration the eligibility and the entitlement of occupants, after making enquiry and till such claim is decided, there shall be status quo obtaining as on today regarding the structures.

Accordingly, the writ petition is disposed of directing the respondents to follow the guidelines issued in the above judgment.

No costs.

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N.V.RAMANA, J

Date: 19.4.2005

DA/SVV

To

1 The Assistant Engineer, Roads & Buildings Department,
Biccavolu, E.G.District.
2 The Revenue Divisional Officer,
Rajahmundry, E.G.District.
3 The Mandal Revenue Officer,
Anaparthy, E.G.District.

4 Two CCs to G.P for Revenue, High Court of A.P., Buildings,
Hyderabad (OUT)

5 Two CD copies

6 One CC to MR.PRABHAKARA RAO